

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CARA BARBER, ET AL.,	)	CIVIL NO. 14-00217 HG-RLP
	)	
Plaintiffs,	)	ORDER DENYING PLAINTIFF'S
	)	MOTION TO LIFT STAY
vs.	)	
	)	
OHANA MILITARY COMMUNITIES,	)	
LLC, ET AL.,	)	
	)	
Defendants.	)	
_____	)	

ORDER DENYING PLAINTIFF'S MOTION TO LIFT STAY

Before the Court is Plaintiff's Motion to Lift Stay, filed on April 4, 2018 ("Motion"). ECF No. 430. The Court finds the Motion suitable for disposition without a hearing pursuant to Rules 7.2(d) of the Local Rules of Practice of the United States District Court for the District of Hawaii. After careful consideration of the Motion and the record in this matter, the Court DENIES the Motion.

On February 6, 2018, this Court granted Defendants Ohana Military Communities, LLC and Forest City Residential Management LLC's Motion to Stay Plaintiff's Motion for Attorney's Fees and Costs ("Stay Order"). See ECF No. 428. In the Stay Order, the Court held that a stay of the attorney's fees motion was both appropriate and necessary. Id. The Court reasoned that the disposition of the attorney's fees motion may lead to the filing of additional related motions in the future, such as motions for reconsideration and/or objections to the findings and

recommendation, which would necessarily require the expenditure of additional judicial resources. Id. The Court held that because Plaintiff's attorney's fees motion is predicated on an order that is currently on appeal, the Court and the parties' interests would best be served by waiting for the Ninth Circuit's decision before determining if and/or what amount of attorney's fees should be awarded. Id. The Court ordered that the parties may request that the attorney's fees motion be reinstated after the Ninth Circuit has issued its decision and mandate. Id. The Ninth Circuit has not issued its decision or mandate. The appeal remains pending.

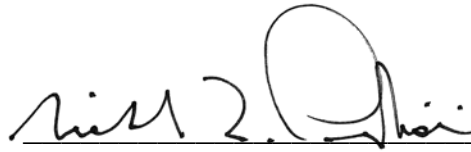
The Court has carefully reviewed the present Motion and DENIES Plaintiff's request to lift the stay. In the present Motion, Plaintiff essentially asks the Court to reconsider its prior Order. See ECF No. 430. Although the Court understands Plaintiff's frustrations with the ongoing litigation between the parties, the information provided in the present Motion does not alter the Court's prior reasoning in the Stay Order. As detailed above, Plaintiff's request for attorney's fees motion is predicated on an order that remains on appeal. Proceeding with the attorney's fees motion at this time will likely lead to the filing of additional related motions in the future, which would necessarily require the expenditure of additional judicial resources. Accordingly, the Court DENIES Plaintiff's Motion to

Lift Stay.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, APRIL 9, 2018.



  
Richard L. Puglisi  
United States Magistrate Judge

BARBER, ET AL. v. OHANA MILITARY COMMUNITIES, LLC, ET AL.; CIVIL NO.  
14-00217 HG-RLP; ORDER DENYING PLAINTIFF'S MOTION TO LIFT STAY